

Preliminary Amendment, Applicants' gripping-device invention includes a planar body expanse from the perimeter of which project a row of tooth-like workpiece gripping elements (teeth). With Applicants' device mounted on the outer measuring end of a measuring tape, the planar body expanse lies transversely substantially exactly at the tape's outer measuring end, with the tooth-like projections extending toward the tape, and thus into the otherwise unobstructed outer-end measuring zone which is furnished by the tape. If these toothlike projections did not so extend, Applicants' device would *NOT* work in accordance with Applicants' invention.

The Hoffman structure is strikingly dissimilar. Hoffman is concerned definitely with providing a tape-end device which includes a planar lateral structure (transverse to an attached tape's long axis), which lateral structure lies exactly at the outer measuring end of an attached-to measuring tape. Nothing projects into the outer-end tape measuring zone, for if something did so project, Hoffman's device would *fail* to work as contemplated by Hoffman. A projection into a tape's outer-end measuring zone in a Hoffman device would produce an obvious inaccuracy in measurements because it would cause Hoffman's lateral structure to be spaced away from the measured-from surface of a workpiece, rather than to be in direct contact with this surface.

Notably, Hoffman, in claim 1, directly warns against such a projection: "... with no tab projections extending beyond said transverse tab portions."

What does Hoffman mean by this warning?

By looking at the various embodiments of the Hoffman device in light of this bold claim warning, we can determine just what it was that Hoffman was addressing with this warning.

Fundamentally, there are three general directions in which a forbidden tab extension could project. By examining these three directions, and then asking the question why, if at all, would Hoffman want to issue a warning regarding an extension, we can determine quite accurately just what it was that bothered Hoffman enough to announce this guard language. These three general directions of extension include:

- (1) an extension which generally projects longitudinally away from an attached tape,
- (2) an extension in a transverse direction relative to the long axis of such a tape, and
- (3) an extension in the opposite direction from the one first mentioned in this sentence, namely longitudinally toward the direction of an attached tape.

An extension longitudinally away from the end of an attached tape would produce no interference whatsoever with respect to the correct the correct utility and operation of a Hoffman device. There would be no reason to issue a warning which concerns this direction. Similarly, a transverse or lateral extension would also not cause any problems, so long as the plane of the Hoffman device which faces and is attached directly to a tape's outer end is not crossed by such an extension. In fact, a very visibly informative illustration of why Hoffman is not aiming his claim warning about this kind of an extension can be found by comparing the structures shown in Hoffman's Fig. 9 and Fig. 13 embodiments. In a manner of speaking, Applicants think it is very fair to consider the Hoffman modification which is pictured in Fig. 9 to have a configuration which indeed is a lateral transverse extension relative to the other modification shown in Fig. 13. Clearly Hoffman would not be warning against this kind of an extension, inasmuch as this kind of an

extension is employed by Hoffman to support different modifications of his invention.

This analysis now leaves only one direction in which a warning such as that given by Hoffman's claim 1 has any rational applicability. This is an extension which projects *toward and over the measuring zone at the outer end of a tape*. Thus, Applicants strongly urge that the appropriate interpretation of the warning given in Hoffman's claim 1 is that it is directed very pointedly against any extension which is exactly like the extension which characterizes the projecting gripping tooth-like elements which Applicants importantly employ to offer principal utility in their herein claimed invention.

Accordingly, not only does the Hoffman reference fail to lead one in a direction which would cause one to construct a device like that which is claimed in this patent application, by combining Hoffman with Richardson, it pointedly tells the reviewer of Hoffman's disclosure not even to consider such an extension. Therefore, Hoffman can hardly be said to be appropriately combinable with any other reference which would cause one to attempt to introduce a forbidden extension component, against Hoffman's warnings, for the purpose of coming up with Applicants' invention.

Accordingly, entry of this amendment, and favorable reconsideration of all claims now presented in this Continuing Prosecution Patent Application, are respectfully solicited. Applicants submit herewith a set of clean claims, incorporating all amendments made to those claims in this Application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

Respectfully Submitted,



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I hereby certify that the attached RCE cover sheet, Preliminary Amendment in support of RCE, a set of clean claims and a check in the amount of \$370.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

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